

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION
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6 DOUGLAS W. BAILLIE,
7 Plaintiff,
8 vs. CASE NO.
9 CHUBB & SON INSURANCE, C-1-02-062
10 Defendant.
11 -----
12
13
14 DEPOSITION OF: ANDREW BRYANT
15 TAKEN: By The Plaintiff
16 DATE: March 17, 2003
17 TIME: Commencing at 9:50 a.m.
18 PLACE: Offices of:
19 Freking & Betz
20 215 East Ninth Street
21 Fifth Floor
22 Cincinnati, Ohio 45202
23
24 BEFORE: Theresa Lynn Westfelt
Court Reporter
Notary Public - State of Ohio

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7 (No Exhibits).
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1 APPEARANCES: Page 2
2 On behalf of the Plaintiff:
3 RANDOLPH H. FREKING, ESQ.
4 of
5 Freking & Betz
6 215 East Ninth Street
7 Fifth Floor
8 Cincinnati, Ohio 45202
9
10 On behalf of the Defendant:
11 DAVID T. CROALL, ESQ.
12 of
13 Porter, Wright Morris & Arthur LLP
14 250 East Fifth Street
15 Suite 2200
16 Cincinnati, Ohio 45202
17
18 ---
19
20 S T I P U L A T I O N S
21
22 It is stipulated by and between counsel for
23 the respective parties that the deposition of ANDREW
24 BRYANT, a witness herein, may be taken at this time by
25 Counsel for the Plaintiff as upon cross-examination
26 pursuant to the Federal Rules of Civil Procedure; that the
27 deposition may be taken in stenotypy by the notary
28 public-court reporter and transcribed by her out of the
29 presence of the witness; that the transcribed deposition
30 is to be submitted to the witness for his examination and
31 signature, and that signature may be affixed out of the
32 presence of the notary public-court reporter.

1 ANDREW BRYANT Page 4
2 of lawful age, a witness herein, being first duly sworn as
3 hereinafter certified, was examined and deposed as
4 follows:
5 CROSS-EXAMINATION
6 BY MR FREKING:
7 Q. Hi, Andy. My name is Randy Freking and I
8 represent Doug Baillie in a case that's currently pending
9 in Federal District Court in Cincinnati against Chubb.
10 And we're here today to conduct your deposition to find
11 out what you may or may not know about matters that may or
12 may not be relevant to his case.
13 Could you please start the deposition by
14 simply stating your full name, your family status, your
15 current home address, and your current telephone number?
16 A. Andrew Broaddus Bryant, B-R-O-A-D-D-U-S.
17 Married. I live at [REDACTED]
18 [REDACTED]
19 Q. I'm sorry, what city do you live in?
20 A. [REDACTED]
21 Q. Ohio?
22 A. [REDACTED]
23 Q. Oh. And what's your home telephone number?
24 A. [REDACTED]

1 Chubb?

2 A. Not really.

3 Q. Okay. Did you regard -- did you -- was this
4 a telephone conversation?

5 A. Yes.

6 Q. Did Mr. Baillie say anything during that
7 telephone conversation that was a surprise to you in the
8 sense of, you know, how he was saying it or anything like
9 that?

10 A. No.

11 Q. Was he professional to the best of your
12 recollection?

13 A. Yes.

14 Q. Okay. Do you recall what reaction you had,
15 if any, to this news from Mr. Baillie?

16 A. No.

17 Q. Okay. And you don't even recall whether he
18 told you whether it was his decision or Chubb's decision?

19 A. I'm not sure it was that specific.

20 Q. And -- okay. Do you recall anything else
21 about that conversation that I haven't covered?

22 A. It was brief.

23 Q. Okay. Now, after that brief conversation,
24 have you had any other conversations with Mr. Baillie?

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1 A. He attended a wedding of a Chubb underwriter
2 that worked in the Louisville office. I talked to him
3 briefly at the reception.

4 Q. Okay. Do you remember what calendar year
5 that was in?

6 A. 2001.

7 Q. Okay. Did -- were you happy to see Mr.
8 Baillie in attendance?

9 A. No real feelings one way or the other.

10 Q. Okay.

11 A. (Continued) It was a social event.

12 Q. Okay. Did Mr. Baillie say or do anything at
13 that wedding reception that was somehow contrary to
14 Chubb's interest? Did he say anything bad about Chubb --
15 or bad about Chubb, or bad about --

16 A. No.

17 Q. -- anybody else? He acted the way you would
18 expect a guest at a wedding to act?

19 A. I did not interact with him that much.

20 Q. Okay. Have you heard any stories about Mr.
21 Baillie since his departure of from Chubb, anything along
22 the lines of Mr. Baillie allegedly saying anything bad
23 about Chubb or anything like that?

24 A. No.

1 Q. Do you have any knowledge as to what Mr.

2 Baillie is doing today?

3 A. Marketing field rep, I believe, for Grange
4 Insurance.

5 Q. Okay.

6 A. (Continued) Florida.

7 Q. Are you familiar at all with the fact --
8 well, strike that.

9 Are you familiar with Chubb's policy at all
10 with respect to providing severance pay?

11 A. No.

12 Q. So you've never, during your career with
13 Chubb, had occasion to know whether or not Chubb offered
14 severance pay to people that they terminate?

15 A. It would be rumors.

16 Q. It would just be rumors. What sort of
17 rumors have you heard?

18 A. I couldn't get specific, just that --

19 Q. So-and-so got such-and-such severance?

20 A. Not specifically like that.

21 Q. Just --

22 A. (Continued) No numbers.

23 Q. Yeah.

24 A. (Continued) If it's not my money, I don't

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1 care.

2 Q. Okay. That's probably a good philosophy.

3 How would you describe your personal
4 relationship with Mr. Baillie?

5 A. We didn't have much of a personal
6 relationship. It was pretty much work.

7 Q. Okay. How would you describe that work
8 relationship? I mean, was it okay?

9 A. It was okay.

10 Q. Was Mr. Baillie generally professional in
11 his dealings?

12 A. I wouldn't call it unprofessional.

13 Q. Okay. You would agree with me that the
14 financial results of the Kentucky territory improved
15 during Mr. Baillie's tenure?

16 A. Yes.

17 Q. Do you attribute that to anything in
18 particular?

19 A. A lot of hard work by a lot of people; I
20 would say Dieter Korte in particular.

21 Q. Where does the buck stop, in your opinion,
22 with respect to those financial results?

23 A. Within a given territory for Kentucky?

24 Q. Uh-huh.

1 A. The buck moves around a lot. I'd say the
2 first firm resting place would certainly be my plate, then
3 Doug's plate.

4 Q. Okay. Did you ever have discussions with
5 Mr. Baillie about the fact that the financial results in
6 your territory that belonged on your plate were improving?

7 A. Yes.

8 Q. Did Mr. Baillie have any particular
9 reaction? Did he think that was good news? Did he think
10 this was bad news?

11 A. He thought that was good news.

12 Q. Okay. Did he ever express to you, you know,
13 compliments in that regard?

14 A. On the profit piece, no.

15 Q. How about on the premium piece?

16 A. When it grew, yes.

17 Q. Okay. Did it decline at some point?

18 A. Pardon?

19 Q. Did it decline ever?

20 A. As part of that profit improvement piece, it
21 certainly declined.

22 Q. Okay. And what do you recall Mr. Baillie
23 saying to you on those occasions?

24 A. He would be frustrated.

1 Q. Okay. And was that a reaction you would
2 have expected?

3 A. No.

4 Q. What kind of reaction -- was that reaction
5 by Mr. Baillie frustration of the premium decreasing?

6 A. Correct.

7 Q. Did his frustration surprise -- it did not
8 surprise you?

9 A. It surprised me in that the focus at that
10 point, I felt, was more profit improvement than premium
11 growth.

12 Q. Okay. Did you ever express your frustration
13 on that subject to anyone?

14 A. Yes.

15 Q. To who?

16 A. Dieter, Diane.

17 Q. What do recall expressing to Dieter along
18 those lines?

19 A. That we need to improve the profit before we
20 can make it bigger.

21 Q. "We need to improve the profit before we can
22 make it bigger"?

23 A. We need to make the book of business more
24 profitable before we can grow upon it, otherwise we're

1 growing -- just growing in a nonprofitable book.

2 Q. Right. Isn't it true that Mr. Baillie had
3 two objectives in mind; he wanted profit to grow and he
4 also want written premiums to grow?

5 A. I would say Doug focused on growth a lot
6 more than written premium profit. My perception was
7 always more focused on the top number versus the bottom
8 number.

9 Q. Okay. You do not think that Mr. Baillie had
10 a goal of increasing profit?

11 A. I think Doug thought it would just happen if
12 you grew the book enough.

13 Q. Okay. Well, regardless of the reason for
14 it, you would agree with me that he wanted profit to grow?

15 A. Yes.

16 Q. Okay. And he wanted premiums to grow?

17 A. Yes.

18 Q. And he would express frustration to you when
19 profit would grow, but premiums were not growing?

20 A. No.

21 Q. I thought you told me profit did grow?

22 A. Doug focused on growth. Profit was
23 something -- my perception was Doug's feeling was profit
24 was something that just happened and that our job was to

1 focus on just making it bigger, the premium volume.

2 Q. Uh-huh. And he was not happy with the level
3 of your premium volume?

4 A. He was frustrated.

5 Q. Right. And he expressed that to you?

6 A. Yes.

7 Q. And that did not surprise you, right,
8 because one of your jobs was to make the premium grow in
9 the Kentucky territory?

10 A. At the time -- at times where that was
11 expressed, it did surprise me in that there was a reality
12 of business we had to get off of to ultimately make it
13 more profitable that was going to be -- economic reality
14 was we would not grow given the amount of business we had
15 to get off of for underwriting reasons.

16 Q. You had to get rid of some bad business?

17 A. Correct.

18 Q. Right. And Mr. Baillie wanted you to get
19 rid of that bad business?

20 A. Mr. Baillie, in my mind, was more focused on
21 adding business then culling business.

22 Q. Wasn't it true that Mr. Baillie wanted you
23 to do between 1998 and 2001 what you've been able to do in
24 2002, which is get new business?